

WITNESS: BLUNDELL      EXAM BY MS. POWERS

1            A.    I believe it's based on federal pre-emption, yeah.

2            Q.    You do discuss somewhat in your rebuttal testimony  
3 the CMRS designation that Western Wireless falls under. Is  
4 that -- could you be a little more specific? I guess the  
5 concern that I have is the offering that Western Wireless  
6 will be making, is it more in the nature of a fixed or mobile  
7 offering for universal service?

8            A.    It's definitely -- well, both. Physically and  
9 legally, it's a mobile offering. Physically, the wireless  
10 access unit that the customer will have in their home - and I  
11 have one, by the way, to show if there is interest in that -  
12 is mobile. It can be picked up, placed in the car, rolled  
13 down the road and taken to the barn. And so it has mobility,  
14 a mobility component to it, which is extremely attractive to  
15 our customers. In addition, both the FCC and this Commission  
16 have acknowledged that the CMRS designation falls on that  
17 service and on this carrier regardless of whether it's the  
18 use of this handset (indicating) or the use of a wireless  
19 access unit of the type that we deploy. So by both  
20 definition and physically, it is definitely a mobile service  
21 offering.

22            Q.    Do you or could your attorney provide a specific  
23 reference to a FCC document on that?

24            A.    On --

25            Q.    If you have that on the FCC CMRS designation,

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1 either specifically for Western Wireless or generally?

2 A. I believe I cited to it in my testimony.

3 Q. I think you cited to something and I don't recall  
4 exactly where it was now, but maybe I can find it here, where  
5 I think you said --

6 A. Page eight.

7 Q. -- something that I was wondering about. I think I  
8 wasn't clear whether the FCC had issued a final order on that  
9 or whether it was notice of a proposed rulemaking or exactly  
10 what you were talking about.

11 A. It's an order actually. If you look at page eight  
12 of my rebuttal testimony.

13 Q. Okay. And that's in the universal service order  
14 generally that we are talking about?

15 MR. AYOTTE: Excuse me, Ms. Powers. If I could, I  
16 think what you are referring to is the reference to the FCC's  
17 CMRS flexibility proceeding which is referenced on page 11 of  
18 -- page 11 of Mr. Blundell's testimony.

19 MS. POWERS: Yes.

20 MR. AYOTTE: Or you may be talking about the North  
21 Dakota order which is attached as an exhibit.

22 MS. POWERS: No, I was not talking about the North  
23 Dakota order, although I know there is that reference in  
24 there. But I was wondering about specifically the one that  
25 was referenced that there didn't seem to be a final order

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1 from the FCC on that one.

2 A. The order to which I referred was found, indeed  
3 found on page 11 of my rebuttal testimony. And it's the  
4 flexibility service offerings order, First Report and Order  
5 in that FCC docket in which the FCC stated, and I will quote,  
6 "There is a rebuttable presumption that any wireless service  
7 provided under a CMRS provider's license would be considered  
8 to come within the definition of CMRS and consequently  
9 regulated as a CMRS."

10 MS. POWERS: I would request that that order be  
11 made available to Commission Staff.

12 MR. AYOTTE: Absolutely.

13 MS. POWERS: Thank you.

14 Q. Okay. Now, you said you had this unit here with  
15 you that will be placed in the home?

16 A. Yes, I do.

17 Q. Do I understand correctly, this is just surmise on  
18 my part, that if you have one of those units in the house,  
19 you can actually still have phones in several locations or do  
20 you have one unit, one phone, or can you have a phone in the  
21 kitchen and the bedroom and downstairs and what have you?

22 A. There are also -- I'm under the understanding there  
23 is a capability to use multiple phones from either this or a  
24 slightly modified version of the unit that I have.

25 Q. Okay.

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1            CHAIR WINE: Excuse me. Can we go ahead and have  
2 him show it to us now so we will know what your questions are  
3 about?

4            A. Sure. (Indicating). If it's okay, I will just put  
5 it on the podium here.

6            Q. Okay.

7            THE WITNESS: If it's all right, I can tell the  
8 Commission a little bit more about the unit.

9            CHAIR WINE: Yes, why don't you go ahead and do  
10 that now before we have further questions. If you could just  
11 give us a demonstration about the unit.

12           THE WITNESS: This is a wireless access unit that's  
13 manufactured by a company by the name of Telular. It's a  
14 three watt, three watt phone. So it has approximately six  
15 times the power output of a handset. It has the capability  
16 of simulating a dial tone, so that's the other difference  
17 with the handset. The handset doesn't create dial tone. And  
18 this unit does so that when a phone is plugged into this  
19 unit, you actually hear, just as you would on a land line  
20 phone, you would hear dial tone first and then dial the  
21 number. It has jacks for data and facsimile and those can  
22 both be plugged into the unit. It has eight hours of battery  
23 backup. It has -- it has its own internal battery, so if  
24 the power goes out the unit continues to work for eight  
25 hours. It can be plugged in and is expected sort of

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1     typically to be plugged into the wall but certainly doesn't  
2     have to be. As you can see, it has a fairly standard  
3     cellular antenna on the back end of it. The advantage of the  
4     three WATS of power is that the unit grabs a lot more signal  
5     than does a handset like this. The radio signal that cell  
6     towers put out is ubiquitous and doesn't change. And these  
7     units simply pick up and transmit differently. So if our  
8     coverage -- and we have shown that in the testimony. If our  
9     coverage is laid over a particular geographic area, this unit  
10    is certain to pick it up. And again, if not, we have  
11    established certain backup procedures in the event that it  
12    doesn't. But we don't expect that to happen within the  
13    coverage area.

14            CHAIR WINE: Excuse me. Before you go on, could  
15    you show what handset is used?

16            THE WITNESS: Oh, sure. It's a -- you just, you  
17    would plug in your own home phone, the phone that you use  
18    that you plug into the wall. And that could either be a  
19    cordless phone or a princess phone or a typical phone that  
20    you buy at Walmart.

21            MR. AYOTTE: Excuse me, Mr. Chair. But he can't  
22    see the back side of the unit.

23            THE WITNESS: I'm not sure which is the front and  
24    which is the back. But as you can see, it's got a couple of  
25    different jacks and then a power output here (indicating).

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1     But it has the standard RJ11 jacks that you plug the phone  
2     that you currently use at home.

3                CHAIR WINE: And I think this might have been the  
4     question that Ms. Powers asked, but are there extensions?  
5     You can do your own inside wiring from that or utilize just  
6     the inside wiring and have extensions?

7                THE WITNESS: You could. You could either use  
8     splitters or, as I said, I believe there is another unit  
9     that's sort of more wired at the unit that has an additional  
10    jack or two. I have been told that that unit exists.

11               CHAIR WINE: Thank you.

12               Q. You mentioned that you can pick the unit up and  
13    take it with you. What's its range of mobility? How far can  
14    you go from your residence and still make phone calls using  
15    -- and receive phone calls using that unit?

16               A. The same, to the same extent that you can that this  
17    is a mobile (indicating).

18               Q. Okay.

19               MR. AYOTTE: For the record, Mr. Blundell, would  
20    you explain what "this" is?

21               A. My apologies. The wireless access unit has the  
22    same mobility as the conventional mobile handset, with the  
23    exception that, and I'm not sure which way your question is  
24    going, but as I explained earlier, this will actually have  
25    a -- I mean, it will pick up signal further from a cell site'.

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1      than will the handset.

2            Q.    Okay.

3            A.    Because of the size of the amplifier.

4            COMMISSIONER CLAUS: I have a question. Does that  
5      mean you could put this unit in your car and drive all over  
6      the country? Is that what you are saying?

7            THE WITNESS: It does. It does mean that. Because  
8      of the battery limitation, you certainly couldn't do that.  
9      But it's designed, as I say, it's very similar to the  
10     handset. It's actually very similar to the early bag phones  
11     that were three watt phones that came out initially. Same  
12     degree of roaming, same degree of mobility.

13           COMMISSIONER CLAUS: Who owns the equipment, is  
14     that Western Wireless or --

15           THE WITNESS: It's customer premises equipment. I  
16     believe the customer will own it. We don't charge the  
17     customer for the unit.

18           COMMISSIONER CLAUS: Beyond your installation?

19           THE WITNESS: That's right.

20           Q.    Now, as an eligible telecommunications carrier, if  
21     Western Wireless receives that designation for rural service  
22     territory or for any area for that matter, you would agree  
23     with me that Western Wireless is required to -- would be  
24     required to provide service throughout the service territory.  
25     Is that correct?

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1 A. That's correct, throughout the designated service  
2 areas.

3 Q. And it would be a matter of providing all of the  
4 supported services. Is that right?

5 A. That's correct.

6 Q. Okay. And the carrier of last resort issue has  
7 been raised in this docket. Could you tell me from Western  
8 Wireless' perspective what's the difference really in the  
9 requirement of a carrier of last resort and an eligible  
10 telecommunications carrier?

11 A. My understanding is that the obligations on the  
12 carrier are very very similar, primarily being the obligation  
13 to serve every comer within the designated service area and  
14 that's what we plan to do.

15 Q. So do you see any real difference between the two?

16 A. That -- no. I'm not familiar with the precise  
17 Kansas COLR obligations but, generally speaking, that's the  
18 sort of, that's the general difference between COLR  
19 obligations and ETC obligations.

20 Q. But the basic obligation is that you have to serve  
21 anybody in the service territory?

22 A. Yes.

23 Q. Thank you.

24 A. And that's what we plan to do.

25 Q. Can you use, can Western Wireless' service be



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1      provided in a health care facility?

2            A.    Yes.

3            Q.    What's been the -- I have seen concern expressed  
4      about that issue. What is the concern on that issue?

5            A.    There is no concern at the FCC. The concern might  
6      be from individual health care facilities who have a concern  
7      about interference. I have heard it expressed that way  
8      between wireless units and the monitoring units that they may  
9      have in their facilities. We have been assured that there  
10     are no such problems. So from our perspective, there is no  
11     reason that this unit couldn't be used in a health care  
12     facility.

13          Q.    If a health care facility were to have concerns  
14     about it, are there measures that can be taken to alleviate  
15     that or --

16          A.    We would definitely undertake to work with that  
17     facility and see if there are alternatives, either in the  
18     placement of the unit or in any other measures that would  
19     make them feel more comfortable. But again, there is -- we  
20     would also undertake to reassure them that the unit doesn't  
21     cause problems that they are concerned about.

22          Q.    Has Western Wireless to date been declared an ETC  
23     in rural areas in any other state?

24          A.    Yes.

25          Q.    Can you tell me where?

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1            A.    Right. We have been, Western has been declared an  
2    ETC in the rural areas in Minnesota. And to date that's the  
3    only designation.

4            Q.    Okay. Has Western Wireless been denied ETC status  
5    in rural areas in any states?

6            A.    Yes.

7            Q.    In which ones have those?

8            A.    Most recently in the state of North Dakota.

9            Q.    Okay. And are you aware of any others?

10          A.    Not on -- no, not on the merits, no, huh-uh.

11          Q.    So on what basis?

12            MR. AYOTTE: Ms. Powers, there are several  
13    decisions pending. I think that's what he was referring to.  
14    It hasn't been decided on the merits yet. It hasn't been  
15    granted; it hasn't been denied. But I would be happy to  
16    provide you and everyone else --

17            MS. POWERS: That was my next question.

18            CHAIR WINE: I think we are going to want a copy of  
19    those. I thought he meant the issue whether they have been  
20    preempted for state authority. But the Commission would like  
21    to have that sorted out by tomorrow.

22            THE WITNESS: We can certainly provide copies of  
23    those orders.

24            MS. POWERS: I think I'm done if I may just have a  
25    moment to check here. No, I'm not quite.

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1            Q.    There has also been concern expressed and, frankly,  
2    I don't think Staff knows enough about this, this is why I'm  
3    asking the question, regarding access to high speed data.  
4    And you would agree with me that the, that broad band service  
5    is not a supported offering. Is that correct?

6            A.    That's correct, I would agree.

7            Q.    Okay. But I think, would you also agree with me  
8    that there is definite interest in the country and I would go  
9    so far as to say that a strong push from congress, the FCC  
10   and others to make sure that, certainly from the state  
11   legislature here in Kansas, to make sure that high speed  
12   services are available in the rural areas?

13          A.    I don't doubt that that's an objective.

14          Q.    Okay. Can Western Wireless provide high speed  
15   services to its universal service customers?

16          A.    This unit, I have been told, provides a data speed  
17   of approximately 9600 to 14.4, 14,400 bits per second. It's  
18   not a supported service, high speed data or data speeds of  
19   any kind really at all are identified as a supported service.  
20   On the other hand, Western Wireless does hold several broad  
21   band LMDS licenses, is a fairly wide-scale holder of those  
22   services. They haven't been deployed yet, but we have the  
23   spectrum to be able to provide those services.

24          Q.    So is that something that is in the plans for the  
25   future to provide that in areas where Western Wireless is

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1      providing service?

2            A.    It's in the plans. There isn't a specific plan  
3      that I could identify for you today that in the X number of  
4      days that LMDS will be deployed. But there is certainly a  
5      plan to use that spectrum.

6            Q.    But within the range that you mentioned, 9600 to  
7      14.4, if a customer has that unit, the customer could obtain  
8      the service within that range. Is that right?

9            A.    Could obtain --

10          Q.    The service?

11          A.    -- data speeds?

12          Q.    Yes.

13          A.    I have been told that that's the range of data  
14      speeds for this unit.

15          Q.    Okay.

16            MS. POWERS: Thank you. I have no further  
17      questions.

18            CHAIR WINE: Unless it's your intention to  
19      cross-examine in the next two or three minutes, why don't we  
20      take a break for lunch and return here at about 1:10. We are  
21      recessed.

22            (THEREUPON, a lunch recess was taken).

23            CHAIR WINE: Mr. Gleason.

24            MR. GLEASON: Thank you, Mr. Chair.

25                            CROSS-EXAMINATION

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EXAM BY MR. GLEASON

1 BY MR. GLEASON:

2 Q. Mr. Blundell, the device in front of you, if  
3 that's going to become the property of the customer, is the  
4 customer going to be subject to a term of commitment for  
5 service with your company?

6 A. I misspoke prior to the break. The unit does not  
7 become, does not fall under the ownership of the customer.

8 Q. Oh, okay. It does remain as mobile as you have  
9 previously suggested, I assume?

10 A. Yes.

11 Q. Okay. If you receive Kansas universal service fund  
12 support for supplying wireless service to a customer in the  
13 service area of an independent company, take that as a given,  
14 okay? You have someone who calls you up for service from the  
15 next service area over, which is not supported, how do you  
16 differentiate whether or not you can provide that service and  
17 bill the fund for it?

18 A. Uh-huh. First of all, we would not be able to  
19 provide them the universal service package. And we are  
20 establishing within the company mechanisms to make those  
21 differentiations between not only customers in different  
22 exchanges but also zones within an exchange. And we are  
23 working with Staff at the Commission, at the Commission's  
24 direction, to resolve some of those administrative  
25 implementation issues.

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1            Q.    Okay. And how have they been resolved?

2            A.    It's going quite well. We had a meeting last week  
3 to begin those discussions and a meeting again I believe next  
4 week. And things are going quite well actually.

5            Q.    Well, I'm glad to know they are going quite well.  
6 But the question is not how are they going, but how are they  
7 being resolved. In what manner do you anticipate resolving  
8 those concerns?

9            MR. AYOTTE: Mr. Chairman, I'm going to object to  
10 the question as being irrelevant. The Commission's Order 6  
11 or 7 already has a procedure in place for Western Wireless  
12 and Sprint PCS to deal with some of these KUSF implementation  
13 issues, including the filing of a report back to the  
14 Commission with an opportunity for all parties to comment.  
15 It's a funding issue relating to KUSF distribution, not a  
16 relevant consideration for the public interest.

17           CHAIR WINE: Mr. Gleason.

18           MR. GLEASON: I would like to respond by noting the  
19 Commission said everything is relevant to the determination  
20 of the public interest in this proceeding. And moreover, if  
21 the total amount of KUSF funding is not at issue and not a  
22 matter of public interest, I don't know what is.

23           CHAIR WINE: Well, at this point I don't think we  
24 intend to restrict too unduly the scope of cross-examination.  
25 Let's -- you may renew your objection if it appears as though

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1      we have gone way off track, however.

2              MR. AYOTTE: Thank you.

3              A.      So if you could repeat the question.

4              Q.      How do you anticipate a functional capability to  
5      guard against that abuse of the system?

6              A.      To the same extent that any carrier really ought to  
7      that's receiving universal service support. We will have  
8      mechanisms in place, with the blessing of the Commission as  
9      well as Staff, to guard against them, no different than any  
10     other carrier, those that you represent for instance.

11             Q.      Well, it's not -- I think you would agree with me  
12     that it's not very difficult to know where a copper line is,  
13     correct?

14             A.      That's correct.

15             Q.      You know in the case of a wire line based company  
16     where the service is being provided to, don't you?

17             A.      The same, it's the same that we know where the  
18     universal service offering is being provided to a residential  
19     address.

20             Q.      Okay. And the trunk of the car that parks at that  
21     residential address sometimes, wherever that trunk of a car  
22     might be, correct?

23             A.      Well, the service isn't -- I mean, the trunk of a  
24     car parked at the residential address? I don't get -- I  
25     don't understand the question.

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1 Q. Okay. You have suggested that that unit in front  
2 of you is quite portable?

3 A. Uh-huh.

4 Q. It could be put in a car?

5 A. Sure.

6 Q. It could be taken someplace else?

7 A. Sure.

8 Q. Do you have any way of knowing whether somebody is  
9 not going to order, get a post office box in a community  
10 served by a rural company, contact you, say I want some of  
11 that 14.99 unlimited mobile service, get that unit from you,  
12 regardless of where they actually live, and receive the  
13 service with KUSF support?

14 A. Yes, we do.

15 Q. How do you know that?

16 A. When the customer, the customer requests the  
17 service, we actually send -- two things happen. The customer  
18 fills out a form, including their residential street address.  
19 We send a technician to every single home to install, to  
20 deliver the wireless access unit, make sure that service is  
21 sufficient. There is a verification process that goes on  
22 there that that is indeed the residential address that the  
23 customer signed up for.

24 Q. How does that verification process work?

25 A. There is an application that includes the



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1      residential street address and a customer service technician  
2      goes to the customer's home to verify that that is, that it's  
3      the same address.

4            Q.      Well, you have said you verify by verifying now.  
5      All you know is that there is an address and that's the  
6      address put down on the form and somebody goes there and  
7      says, yeah, compares the handwritten address to the street  
8      number on the front door?

9            A.      That's right.

10          Q.      And says okay?

11          A.      That's right.

12          Q.      And then the unit goes wherever it goes?

13          A.      The unit is portable and mobile.

14          Q.      Uh-huh.

15          A.      The residential street address is the address that  
16      we will use to determine where that customer falls  
17      geographically.

18          Q.      Aren't you severely under-estimating the ability of  
19      certain segments of the telephone customer public to game the  
20      system?

21          A.      Your word game, my word putting into place  
22      mechanisms to ensure that to the same extent other carriers  
23      can't game the system. We are making sure that that's not  
24      going to happen.

25          Q.      Through any method other than those you have

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1        described?

2            A.     No.

3            Q.     Okay. Is the Applicant willing to condition its  
4        initial and continuing receipt of KUSF support on that being  
5        an adequate satisfactory and sufficient means of assuring  
6        against that kind of an abuse?

7            MR. AYOTTE: I'm going to object to the form of the  
8        question as being irrelevant. As I stated previously, Mr.  
9        Chairman, the Commission's order seeks recommendations from  
10       Staff and the Applicants which will be subject to comment and  
11       will be subject to the Commission's determinations as to what  
12       are the appropriate mechanisms. The position of the company  
13       is and will be that which the Commission determines to be a  
14       sufficient mechanism will be that which we are subject to.  
15       Beyond that, the question is purely irrelevant.

16           CHAIR WINE: Mr. Gleason, do you have a response?

17           MR. GLEASON: I'm trying to ascertain whether or not  
18        in terms of competitive neutrality the Commission is going to  
19        have the same authority to assure appropriate use of KUSF  
20        funds for the Applicant as it's going to have as to existing  
21        incumbent providers.

22           CHAIR WINE: And I believe that our order, previous  
23        orders have addressed the specific procedures that will be  
24        followed. I think it's appropriate for you to explore this  
25        issue generally, to raise in this hearing these issues

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1      generally about the need to provide that kind of protection.  
2      I'm not sure how much more you are going to get from this  
3      witness since those other procedures haven't been established  
4      yet by the Commission. So can you help me with where you  
5      intend to go today?

6                      MR. GLEASON: I think as a general matter we might  
7      suggest to the Commission that one of the determinations that  
8      needs to be taken into consideration in deciding the public  
9      interest is whether or not the Commission has effective  
10     ability to assure that the claims and representations made by  
11     the Applicant are necessarily going to prove to be true in  
12     the real world after certification or approval is granted.  
13     Anybody can make a promise. The question is whether or not  
14     there is any enforcement mechanism that's effective to assure  
15     compliance with those promises after the fact. And we  
16     believe that's an issue that affects the public interest.

17                     CHAIR WINE: But I think our previous orders  
18     indicated that that's going to be established by the  
19     Commission at a later time. So that if the Commission wasn't  
20     satisfied, in other words, if it was impossible to accomplish  
21     that, presumably there would be no Commission approval of the  
22     procedure suggested.

23                     MR. GLEASON: I understand, Mr. Chairman. My  
24     question is whether or not -- the line of questioning is  
25     whether or not the Applicant is willing to commit to that

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1     process to be bound by the determinations that the Commission  
2     makes as a condition of receipt of support.

3             CHAIR WINE: I don't know that they have a choice.

4             MR. GLEASON: I don't either, Mr. Chairman, but if  
5     we are going to spend a whole bunch of time litigating it  
6     after the fact when they get in and say you have already  
7     declared me an ETC, now give me the money, I don't know that  
8     that supports the public interest. We will move on.

9             CHAIR WINE: Thank you.

10            Q.     You are here seeking designation as an ETC in  
11     certain specific areas, ASAP, right?

12            A.     That's correct.

13            Q.     You would like to receive it as a result of this  
14     hearing, correct?

15            A.     Yes.

16            Q.     You have represented that one of the benefits to  
17     the public interest is lower prices from competition?

18            A.     Yes, we think lower prices will result definitely.

19            Q.     Okay. Are you familiar with the prices charged for  
20     universal service offerings by the rural companies in Kansas?

21            A.     I'm -- sitting here today, no, I couldn't recite  
22     them. I'm vaguely familiar. And more important, when we  
23     actually receive the designation, that analysis will -- the  
24     company will conduct that analysis on an exchange-by-exchange  
25     basis to make all kinds of determinations about local calling

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1 area and pricing, etcetera.

2 Q. You know what areas you are applying for  
3 designation in already?

4 A. Uh-huh.

5 Q. You have known that for some time, correct?

6 A. Correct.

7 Q. Is there anything that's impeded your ability to  
8 perform those studies and to price those services before this  
9 proceeding?

10 A. Until we are designated and, frankly, in many of  
11 the states where we have applied, the process has gone on for  
12 upwards now of 18 months. Until we are designated that sort  
13 of analysis really isn't fruitful if the objective is to use  
14 it in the deployment of the service. So until we know that  
15 there is a designation, that sort of analysis, it doesn't  
16 help us to frame the actual pricing and the service offering  
17 other than what I have testified to.

18 Q. You are able to study the market now before  
19 designation, aren't you?

20 A. Yes.

21 Q. You are able to ascertain what the local rates are  
22 that are presently charged in that market?

23 A. Yes.

24 Q. All right. But you want the Commission to take it  
25 on faith that whatever your process after designation might

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1 result in is going to be lower than something?

2 A. Well, in order to actually sell the service to  
3 customers in a competitive environment, it's got to be priced  
4 at a, it's got to be priced competitively and we will do  
5 that.

6 Q. But you have said in your testimony that one of the  
7 benefits is lower prices, right?

8 A. Uh-huh.

9 Q. Lower than what?

10 A. Lower than, at or below the incumbent's price.

11 Q. Do I understand your testimony that you are  
12 undertaking a commitment to this Commission that if you are  
13 granted ETC status you will offer the service, the universal  
14 service you are talking about at or below the price charged  
15 by the incumbent in each of the areas for which you are  
16 approved?

17 A. Not necessarily. But the overall objective and,  
18 frankly, in every market where we have launched we have been  
19 able to -- well, in most of the markets that we have  
20 launched, we have been able to be extremely competitive. And  
21 the key that needs to be factored into that pricing is that  
22 with an expanded local calling area, the customer doesn't pay  
23 toll for a lot of calls that they would pay toll on on the  
24 land line. So an expanded local calling area, mobility and a  
25 competitive price is definitely something that customers

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1     want. And, yes, I'm making the commitment to this Commission  
2     that our service offering will provide all of those features  
3     that are attractive to customers. Otherwise, if we don't and  
4     customers don't want our service, there will be no, there  
5     will be no customer to report for purposes of subsidy.

6            Q.     So it's a matter of customer choice?

7            A.     What's a matter of customer choice?

8            Q.     The ability to select the offering that you are  
9     proposing to put out in the market. That's one of the  
10    benefits is that you will give customers a choice?

11          A.     Absolutely.

12          Q.     Okay. Let's talk about that. Did I understand in  
13    your direct testimony that you do not propose to offer equal  
14    access to long distance carriers?

15          A.     Equal access in the sense that -- in which sense?

16          Q.     In the sense of 1+ presubscription for toll  
17    carriers of the customer's choice?

18          A.     That's right. A customer can use dial-around to  
19    access the long distance carrier of their choice, but not on  
20    a 1+ basis.

21          Q.     Not a 1+ presubscription?

22          A.     Right.

23          Q.     Either intraLATA or interLATA, would that be  
24    correct? If they want 1+ they are going to have to take the  
25    carrier of your choice. Is that right?

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1            A.    That's correct.

2            Q.    Okay.

3            A.    At 10 cents a minute.

4            Q.    So in exchange for the choice of local providers,  
5 you would require the customer to give up one or two choices  
6 of presubscribed long distance provider. Is that correct?

7            MR. AYOTTE: I'm going to object to this line of  
8 questioning as being legally irrelevant. CMRS providers are  
9 not required under federal law 332(c)(8), not required to  
10 provide equal access to long distance providers. Similarly,  
11 equal access is not a supported service under FCC Rule  
12 54.101. It is access to interexchange service. And the  
13 Commission has already determined we meet that requirement.  
14 The whole line of questioning regarding equal access is  
15 irrelevant.

16            CHAIR WINE: I agree with your legal conclusions  
17 but he is exploring the public interest. So I think this  
18 line of questioning is appropriate.

19            MR. GLEASON: Thank you.

20            A.    Actually the answer is the customer will have  
21 access, using somewhat slightly different --

22            Q.    No, no, that's the answer that you want to give to  
23 a question other than the one I asked.

24            A.    Actually it was a direct answer.

25            Q.    The question I asked is whether or not it is true



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1      that in exchange for the choice of the local service provider  
2      you will require the customer to give up the choice of either  
3      one or two presubscribed long distance providers?

4            A.    Again, actually the customer can choose using a  
5      somewhat different dialing pattern on the phone to access  
6      long distance.

7            Q.    That's not 1+ presubscription, is it?

8            A.    That wasn't the question.

9            Q.    That was my question.

10          A.    Okay.

11          Q.    And you would require the customer to give up that  
12      choice in exchange for the choice of local service, correct?

13          A.    If, you know, if you want to characterize it that  
14      way. I would characterize it differently.

15          Q.    Is that a yes?

16          A.    It's -- I would characterize it differently.

17          Q.    I'm not asking for a characterization. I'm asking  
18      for a simple response to a direct question.

19          A.    Well, I have given the answer and I think it's  
20      answered the question.

21            MR. GLEASON: Mr. Chairman.

22            CHAIR WINE: I'm not sure that he has answered the  
23      question. I think we know what the answer to the question  
24      is. I think we have established that point.

25            MR. GLEASON: Thank you, Mr. Chairman.